
CITY OF GALLATIN COUNCIL COMMITTEE MEETING

November 27, 2012

6:00 pm

**Dr. J. Deotha Malone
Council Chambers**

- Call to Order: Councilman Hayes Presiding
- Roll Call: Alexander – Camp – Hayes – Garrott – Kemp – Vice Mayor Mayberry – Overton Mayor Graves
- Approval of Minutes: November 13, 2012
- Public Recognition
- Mayor's Comments

AGENDA

1. Resolution to accept 401(k) Retirement Amendment Recommendation (**Dave Crawford, Personnel**)
2. Appointments of Clay Haynes, Allen Parks, and Derrick Jackson to the Industrial Development Board (**James Fenton, ECD**)
3. Ordinance appropriating funds in the amount of \$10,000 to reimburse property owner for damages caused by a service line break at 870 Newton Lane (**David Gregory, Public Utilities**)
4. Request for approval of new and revised Job Description for Facility Maintenance position (**Ronnie Stiles, Public Works**)
5. Quarterly Sign Shop appropriation ordinance (**Rachel Nichols, Finance/IT**)
6. Quarterly CPR appropriation ordinance and appropriation of donation to Fire Department (**Rachel Nichols, Finance/IT**)
7. Quarterly Insurance Recovery appropriation ordinance (**Rachel Nichols, Finance/IT**)
8. Ordinance appropriating funds in the amount of \$90,000 from the General Fund to the Civic Center Capital Fund for replacement of Civic Center Skylights (**David Brown, Leisure Services**)
9. Ordinance amending Zoning Ordinance by amending property located at 307 Hancock Street from Multiple Residential and Office – Planned Unit Development (MRO-PUD) zone district to Multiple Residential and Office (MRO) zone district (**Tony Allers, Codes/Planning**)

- Other Business
- Department Head Reports
- Adjourn

City of Gallatin
Council Committee Meeting

Tuesday, November 13, 2012
Dr. J. Deotha Malone Council Chambers
Gallatin City Hall

PRESENT:

Mayor Jo Ann Graves
Vice Mayor Ed Mayberry
Councilman John D. Alexander
Councilman Jimmy Overton
Councilman Steve Camp
Councilwoman Anne Kemp
Councilman Tommy Garrott
Councilman Craig Hayes

ABSENT:

OTHERS PRESENT:

Rosemary Bates, Special Projects Director
David Kellogg, Public Utilities Department
Dave Crawford, Personnel
Ronnie Stiles, Public Works
Connie Kittrell, City Recorder
Ann Whiteside, Mayor's Office
Billy Crook, Fire Chief
Katherine Schoch, Codes/Planning Asst. Director
News Examiner, Reporter

Rachel Nichols, Finance Director
Tommy Dale, Assistant Fire Chief
Don Bandy, Police Chief
David Brown, Leisure Services
Nick Tuttle, City Engineer
Joe Thompson, City Attorney
Kevin Chastine, Planning Dept.
James Fenton, EDA Director

Councilman Craig Hayes called the meeting to order.

Approval of Minutes

Councilman Hayes presented the minutes of the October 23, 2012 Council Committee Meeting for approval.

Councilwoman Kemp made motion to approve; Councilman Camp seconded. Motion carried with 7 ayes and 0 nays.

Public Recognition

Councilman Hayes opened public recognition.

- Billy Ward Carver lives at 910 Duncan Street and owns the property at 870 Newton Lane. Mr. Carver stated there had been a city water line break on January 12, 2012 that caused damages to his property at 870 Newton Lane. Mr. Carver stated he was present tonight for an update from the city.

Public Utilities representative David Kellogg stated this was a water service line to this residence. He added that the coupling in front of the meter corroded, broke, and released the water that ran down the hill into his house. Mr. Kellogg stated that this incidence was turned into the City Attorney's office to process through the city's insurance.

City Attorney Joe Thompson stated there was no evidence that it had not been maintained by the city and the claim was denied. Mr. Thompson added that Mr. Carver's personal insurance had no rider for water damage.

Mr. Carver stated he spent \$17,877.68 and paid Servpro \$2,350.00. Mr. Carver explained that Mr. David Ragsdale of Servpro told him the city would pay Servpro's charges but the city denied the claim. Mr. Carver also stated he has not installed any flooring or done any painting yet, and that will be another cost to him.

Council continued to discuss the water line break on the city side, the city's liability or responsibility and setting a precedent for future claims.

Councilman Camp made motion to pay \$10,000 to Mr. Carver for damages; Councilman Garrott seconded.

Discussion continued.

Councilman Hayes called for the vote. Motion carried with 7 ayes and 0 nays.

There was discussion on a release and timeline.

Mr. Carver thanked for the city for being fair.

Mayor's Comments

Mayor Graves made the following comments:

- Christmas Harvest Craft Show is this Saturday, November 17th at the Civic Center from 9:00 A.M. until 5:00 P.M.
- Tuba Christmas will be Tuesday, December 4th at the First United Methodist Church at 7:00 P.M. and Tennessee Tech Tuba Ensemble will be participating this year.
- Christmas Tree Lighting will be Friday, December 7th at 5:00 P.M. followed by a Christmas movie at the Palace Theater and the Library will also have an event
- Chamber of Commerce Christmas Parade will be Saturday, December 8th beginning at 12:00 Noon
- Mayor thanked all businesses that participated in Tinsel and Treasures Christmas Open House this past weekend
- Mayor stated the Veterans Day Parade was also a great success

Agenda

1. Ordinance to amend the Zoning Ordinance by amending property located at 219, 221, and 223 North Water Avenue at the intersection of East Eastland Street from Commercial Services Zone District to Core Commercial Zone District

Kevin Chastine of the Planning Department presented this item.

Mr. Chastine explained the property owner requested the rezoning.

There was discussion that this is straight rezoning and only requires a site plan to the Planning Commission for approval of any type of development.

Councilman Garrott made motion to approve; Councilwoman Kemp seconded. Motion carried with 7 ayes and 0 nays.

2. 500 Steam Plant Road Drainage Improvement Project

Kevin Chastine of the Planning Department presented this item.

Mr. Chastine stated the city received a grant in the amount of \$1,000,000 for the project. The grant funding pays for relocation of the residents and acquisition of the properties, both the manufactured homes and the land. The grant requires a match of \$125,000 from the City and \$125,000 from the State and FEMA pays the remaining \$750,000. The

city hired a firm that is currently in the process of purchasing the mobile homes and making offers for the relocation to the residents.

Mr. Chastine continued that they began with the appropriated \$125,000 and at this time they have paid out for half of the mobile homes. He added they have outstanding payments for the other eight (8) as well as the relocation and the budget is now down to \$32,000.

3. Emergency Purchase Notification

Finance Director Rachel Nichols stated due to the city being in a continuation budget, she made emergency purchases and all of the IT Department continuation funds have been expended. She stated that from this day forward every purchase and every payroll expense in the IT Department will be an emergency.

There was discussion on passing a budget tonight, the rainy day fund and four votes required to take money out of the rainy day fund.

4. Inter-Local Cooperation Agreement – Sumner Emergency Communications

Police Chief Don Bandy stated this item was passed by Council August 2011. Chief added that he needs a new agreement because of modifications to the original agreement.

Councilman Overton made motion to approve; Councilman Alexander seconded. Motion carried with 7 ayes and 0 nays.

5. Resolution in Support of an Application for FastTrack Infrastructure Development Program Funds

EDA Director James Fenton stated in the Industrial Park there is a TVA rail spur being used by ABC Corporation and Hoeganaes to serve their businesses and the spur is in need of repairs and maintenance. Mr. Fenton added that he is applying for funds and needs a letter of support from the City.

Mr. Fenton explained the \$47,021 will be coming from the companies involved and his budget.

Councilman Overton made motion to approve; Councilman Camp seconded. Motion carried with 7 ayes and 0 nays.

6. Albert Gallatin/Hatten Track Road Extension

City Engineer Nick Tuttle explained TDOT has requested the city's match in the amount of \$626,560 for the right-of-way acquisition phase.

Mr. Tuttle stated that in the budget proposed by Councilman Garrott that passed on first reading with a 6-1 vote, there is enough money for the requested match. He added that until the city passes a budget, TDOT waits.

7. Fire Rescue Boat to Assist in Chemical, Biological, Radiological, Nuclear, and Enhanced (CBRNE) Responses

Fire Chief Billy Crook explained the city receiving the grant for the Fire/Rescue Boat and bids have been received with the lower bidder being Lake Assault Boats of Superior, Wisconsin.

Chief Crook stated that due to the continuation budget, no money can be appropriated. This grant is time sensitive because the grant requires that the City receive the boat by the end of February 2013 to meet the March 2013 deadline.

Council discussed the 50+ miles of shoreline, homes on the water, barges, and how this piece of equipment will help the city in keeping a low fire rating.

Chief Crook stated this is 100% grant and the boat will require four (4) firefighters coming from Station #2.

8. Davis Drive Traffic Calming

City Engineer Nick Tuttle proposed removing the speed bumps, installing a few temporary three (3) way stops for a couple of weeks and then poll the neighborhood on their effectiveness.

Mr. Tuttle stated he would report back to council after the poll is received.

Other Business

Councilman Garrott brought the 2012-2013 Budget up for discussion and made motion to amend the budget to include the following:

Leave \$500,000 for GreenLea

Leave \$700,000 for Albert Gallatin/Hatten Track

Take out \$90,000 for Time/Attendance

Money back to General Fund = \$1,196,500

Add \$2,500,000 from past budget = \$3,696,500

Add \$3,735,356 = \$7,431,856

Take out \$5,250,000 for Rainy Day Fund = \$2,181,856

Committee Meeting
November 13, 2012

Take out \$600,000 if budget passes = \$1,581,856. This gives a reserve to the city.
Mr. Garrott stated he added \$150,000 for drainage for the Richland Circle area, and \$175,000 for the crossing at Airport Road.

Councilman Overton seconded Mr. Garrott's motion.

Finance Director Rachel Nichols stated two of Mr. Garrott's budgets include funding for Steam Plant Road railroad crossing and Richland Circle Retention pond and the budget he just mentioned does not have the money for those two projects.

There was discussion on the numbers in Mr. Garrott's amendments to the budget tonight.

Mr. Garrott commented on his amendments and the budget.

Councilman Overton stated leaving \$500,000 in for GreenLea, leave \$750,000 for Albert Gallatin, put in \$175,000 for railroad track at Steam Plant Road and \$100,000 for Richland Circle and take out \$45,000 for time/attendance.

Ms. Nichols stated that Mr. Garrott proposed the following:

Removing \$616,500 from GreenLea
Removing \$490,000 from the Albert Gallatin project
Removing \$90,000 for time/attendance
Adding \$175,000 for Steam Plant Road railroad crossing
Adding \$150,000 or \$100,000 for Richland Circle drainage project
Funding \$500,000 for GreenLea
Funding \$750,000 for Albert Gallatin project

Ms. Nichols stated that these numbers do not add up. Initially there was \$2,306,500 between Albert Gallatin and GreenLea projects. Mr. Garrott's budget he just proposed comes up with \$2,631,500.

Mayor Graves spoke about the confusion of the continuation budget and unknown amounts for certain projects. Mayor requested Ms. Nichols go back and reconstruct a budget to know exactly where we are and if there are excess funds. If there are excess funds then Council can determine what to do with those funds.

City Engineer Nick Tuttle discussed the \$1,190,000 for Albert Gallatin and the design contract.

Discussion continued on the Albert Gallatin project.

Councilman Garrott withdrew his motion; Councilman Overton withdrew his second.

Councilman Garrott made motion to go with the previous passed budget and add \$150,000 for drainage, add \$175,000 for Airport Road railroad crossing and take out \$90,000 for time/attendance; Councilman Overton seconded.

There was heavy discussion on the time/attendance system.

Ms. Nichols explained the need for the time/attendance system is to help with clerical errors and the system is very flexible and adapts to all work schedules.

Discussion continued on the time/attendance system.

Ms. Nichols stated that if amendments are made to the motion, please add \$250,000 for the fire boat, \$875,000 for 500 Steam Plant Road, and \$100,000 for Town Creek Stabilization. She added that all three of those requests will be fully funded on the revenue side and the expense side....it's a wash.

Vice Mayor Mayberry made motion to amend Mr. Garrott's motion to include adding \$250,000 for the fire boat, adding \$875,000 for 500 Steam Plant Road and adding \$100,000 for Town Creek Stabilization; Councilman Alexander seconded.

There was discussion on time/attendance, passing a budget and insurance claims.

Councilman Hayes made disclosure of his interest in 500 Steam Plant Road.

Councilman Hayes called for the vote by a show of hands on Vice Mayor Mayberry's amendment. Motion carried with 7 ayes and 0 nays.

Councilman Hayes called for the vote on Councilman Garrott's amendment. Motion carried with 7 ayes and 0 nays.

City Attorney Joe Thompson reminded Council they are in Committee and each of these amendments will have to be made in a Council meeting.

Councilman Overton requested a list of all grants applied for and received from each department. He asked for a breakdown of what it will cost the city and how much the city receives from each grant. He asked for this information by the next committee meeting.

Mayor Graves read a thank you note from Gary Brooks.

Committee Meeting
November 13, 2012

Department Head Reports

There were no department head reports.

Adjourn

With no further business to discuss, Councilman Hayes adjourned the meeting.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

November 27, 2012

DEPARTMENT: PERSONNEL

AGENDA # 1

SUBJECT:

401(k) Retirement Plan Amendment Recommendation

SUMMARY:

Attached is the Fifth Amendment to the City's 401(k) plan. The Retirement Committee has reviewed this amendment and approved it on November 13, 2012. The main amendments are being made to comply with three Federal Acts: Heroes Earnings Assistance and Relief Tax Act of 2008, Worker, Retiree and Employer Recovery Act of 2008, and Pension Protection Act of 2006.

RECOMMENDATION:

Approval

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1211-49

**RESOLUTION APPROVING ADOPTION OF FIFTH AMENDMENT TO
THE CITY OF GALLATIN 401(K) RETIREMENT PLAN**

WHEREAS, THE CITY OF GALLATIN, TENNESSEE, wishes to amend the City of Gallatin 401(k) Retirement Plan (the "**Plan**") in order to comply with Internal Revenue Service regulations, certain Federal Acts, and to adopt other changes as required or permitted by law; and

WHEREAS, the Pension Committee of the City of Gallatin, Tennessee, has been appointed as the Plan Administrator of the Plan; and

WHEREAS, the Pension Committee has, after due and deliberate consideration, executed the "Fifth Amendment to the City of Gallatin 401(k) Retirement Plan" on November 13, 2012, a copy of which is attached hereto as Exhibit A, to update the Plan for the Pension Protection Act of 2006, the Worker, Retiree, and Employer Recovery Act of 2008, the Heroes Earnings Assistance and Relief Tax Act of 2008, and other changes as required or permitted by law.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the "Fifth Amendment to the City of Gallatin 401(k) Retirement Plan, " is hereby approved and adopted in the form attached hereto as Exhibit A; and

FURTHER RESOLVED, that any and all actions heretofore taken by the members of the Pension Committee, the Trustees of the Plan, or one of them, in connection with matters to which the preceding resolutions and each of them relate, are hereby ratified, confirmed and approved in all respects as the acts of the City of Gallatin, Tennessee; and

FURTHER RESOLVED, that in order to fully carry out the intent and effectuate the purposes of the foregoing resolutions, the members of the Pension Committee, the Trustees of the Plan, are, and each of them is, hereby authorized and empowered to take all such further action, and to execute and deliver all such further instruments and documents in the name and on behalf of the City of Gallatin, Tennessee, which shall in their judgment be necessary, proper or advisable; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect the date of passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE: _____

NAY: _____

DATED: _____.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

CORRECT AS TO FORM:

JOE THOMPSON, CITY ATTORNEY

**FIFTH AMENDMENT
TO THE
CITY OF GALLATIN
401(k) RETIREMENT PLAN**

WHEREAS, the City of Gallatin (the "**City**") established the City of Gallatin 401(k) Retirement Plan (the "**Plan**") for the benefit of its eligible employees, which was most recently amended and restated, effective January 1, 2009; and

WHEREAS, the City subsequently amended the Plan several times to make changes as required or permitted by ERISA and the Internal Revenue Code; and

WHEREAS, the City desires to amend the Plan to: (i) add certain Qualified Military Service provisions as required or permitted by the Heroes Earnings Assistance and Relief Tax Act of 2008; (ii) add certain provisions as required or permitted by the Worker, Retiree and Employer Recovery Act of 2008; and (iii) make certain technical changes required or permitted by the Pension Protection Act of 2006.

NOW, THEREFORE, effective as of January 1, 2010 (except as otherwise noted herein), the City hereby amends the Plan as follows:

1. A new paragraph is added to the end of "Compensation" under Section 1.10 of the Plan, which shall provide as follows:

Effective January 1, 2009, Compensation shall include differential wage payments (as defined in Section 3401(h)(2) of the Code) made by the Employer to a former Participant with respect to any period while that individual is performing qualified military service while on active duty for a period of more than thirty (30) days, regardless of whether that individual returns to employment with the Employer.

2. A new paragraph is added to the end of "415 Compensation" under Section 1.29 of the Plan, which shall provide as follows:

Effective January 1, 2009, 415 Compensation shall include differential wage payments (as defined in Section 3401(h)(2) of the Code) made by the Employer to a former Participant with respect to any period while that individual is performing qualified military service while on active duty for a period of more than thirty (30) days, regardless of whether that individual returns to employment with the Employer.

3. **Section 4.14 (Qualified Military Service) is deleted.**

4. **Two new paragraphs are added to the end of "Required Minimum Distributions" under Section 6.8 of the Plan, which shall provide as follows:**

(h) Effective January 1, 2009, and notwithstanding anything else contained in the Plan to the contrary, a Participant or beneficiary who received a required minimum distribution prior to 2009, and would have been required to receive required minimum distributions for 2009 but for the enactment of Section 401(a)(9)(H) of the Code ("**2009 RMDs**"), and who would have satisfied that requirement by receiving distributions that are: (1) equal to the 2009 RMDs; or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's designated beneficiary, or for a period of at least 10 years ("**Extended 2009 RMDs**"), will receive those distributions for 2009 unless the Participant or beneficiary chooses not to receive such distributions. Participants and beneficiaries described in the preceding sentence will be given the opportunity to elect to stop receiving the distributions described in the preceding sentence.

Effective January 1, 2009, and notwithstanding anything else contained in the Plan to the contrary, a Participant or beneficiary who would have been required to receive required minimum distributions for the first time in 2009 but for the enactment of section 401(a)(9)(H) of the Code ("**2009 RMDs**"), and who would have satisfied that requirement by receiving distributions that are: (1) equal to the 2009 RMDs; or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's designated beneficiary, or for a period of at least 10 years ("**Extended 2009 RMDs**"), will not receive those distributions for 2009 unless the Participant or beneficiary chooses to receive such distributions. Participants and beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence.

5. **A new sub-paragraph (f) is added to the end of "Advance Distribution for Hardship" under Section 6.12 of the Plan, which shall provide as follows:**

(f) Distributions pursuant to this Section 6.12, are also permitted for expenses described in clauses (a), (c), and (e) above (relating to medical, tuition, and funeral expenses) for an individual who is named as a Beneficiary of the Participant at the time that the expense giving rise to the hardship occurs, provided that all other requirements of this Section 6.12 for a hardship distribution are satisfied.

6. A new paragraph is added to the end of Section 6.13 "Domestic Relations Order Distribution", which shall provide as follows:

A domestic relations order that otherwise satisfies the requirements for a qualified domestic relations order (a "QDRO") will not fail to be a QDRO: (i) solely because the order is issued after, or revises, another domestic relations order or QDRO; or (ii) solely because of the time at which the order is issued, including issuance after the annuity starting date or after the Participant's death; however, such domestic relations order is subject to the same limitations, requirements and protections that otherwise apply to a QDRO under the terms of this Plan and applicable law.

7. A new paragraph is added to the end of Section 6.14(b)(3) of the Plan, which shall provide as follows:

Effective January 1, 2010, an eligible distributee shall include (in addition to the persons currently specified in the Plan), a designated Beneficiary (as defined in Section 401(a)(9)(E) of the Code) of a deceased Participant or former Participant who is not the surviving spouse of the Participant but elects, at the time and in the manner prescribed by the Plan Administrator, to have any portion of an eligible rollover distribution made with respect to the Participant paid directly to an individual retirement plan that is described in Code Section 402(c)(8)(B)(i) or Code Section 402(c)(8)(B)(ii) and that is established for the purpose of receiving the distribution. If the Participant dies before his or her required beginning date and the non-spouse Beneficiary rolls over to an IRA the maximum amount eligible for rollover, the Beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. § 1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse Beneficiary's distribution. A Participant's designation of a non-spouse Beneficiary is subject to all other provisions of the Plan. Any distribution on behalf of a non-spouse Beneficiary is not eligible for the 60-day rollover rule provided in Code Section 402(c)(3).

8. A new sub-paragraph 6.14(b)(5) is added to the end of "Direct Rollover" under Section 6.14 of the Plan, which shall provide as follows:

(5) Effective January 1, 2009, and notwithstanding anything else contained in the Plan, for purposes of the Direct Rollover provisions of the Plan, 2009 RMDs and Extended 2009 RMDs (as defined in the Plan) will be treated as Eligible Rollover Distributions in 2009.

9. A new sub-paragraph 6.14(b)(6) is added to the end of "Direct Rollover" under Section 6.14 of the Plan, which shall provide as follows:

In addition, effective for distributions on or after January 1, 2008, a distributee may elect, at the time and in the manner prescribed by the Plan administrator, to have any portion of an eligible rollover distribution paid directly to a Roth IRA (as defined in Code Section 408A) in accordance with, and subject to the limitations of Code Section 408A.

10. A new paragraph 9.12 is added to the Plan, which shall provide as follows:

9.12 180-day notification period. For any distribution notice issued in Plan Years beginning on or after January 1, 2011, any reference to the 90-day maximum notice period prior to distribution in applying the notice requirements of Section 402(f) of the Code (the rollover notice), Section 411(a)(11) of the Code (Participant's consent to distribution), or Section 417 of the Code (notice under the joint and survivor annuity rules) shall be replaced with 180 days.

11. A new paragraph 9.13 is added to the Plan, which shall provide as follows:

9.13 Notice of right to defer distribution. For any distribution notice issued in Plan Years beginning on or after January 1, 2011, the description of a Participant's right, if any, to defer receipt of a distribution also will describe the consequences of failing to defer receipt of the distribution.

12. A new Article X is added entitled "Qualified Military Service," which shall provide as follows:

10.1 Qualified Military Service. Notwithstanding any provision of this Plan to the contrary, contributions, benefits, and service credit with respect to Qualified Military Service will be provided in accordance with Section 414(u) of the Code and the regulations promulgated thereunder. For this purpose, an Employee who returns to employment following Qualified Military Service and is entitled to additional Employer contributions for any Plan Year in accordance with Section 414(u) of the Code shall be treated as receiving Total Compensation from the Employer during such period of Qualified Military Service equal to the Total Compensation the Employee would have received during such period if the Employee were not in Qualified Military Service, determined based on the rate of pay the Employee would have received from the Employer but for such absence during the period of Qualified Military Service, or, if such amount is not reasonably certain, based on the Employee's average Total Compensation from the Employer during the 12-month period immediately preceding the Qualified Military Service (or, if shorter, the period of employment immediately preceding the Qualified Military Service.)

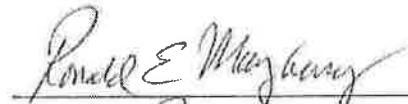
10.2 Death Benefits While On Qualified Military Service. Effective for deaths occurring on or after January 1, 2007, in the case of any Participant who dies while performing Qualified Military Service, the survivors of such Participant are entitled to any additional benefits (other than benefit accruals relating to the period of Qualified Military Service) provided under the Plan had the Participant resumed employment with the Employer and then terminated employment on account of death.


10.3 Treatment of Differential Wage Payments. Effective for Plan Years commencing on or after January 1, 2009, a former Participant who receives a differential wage payment (as that term is defined in Section 3401(h)(2) of the Code)

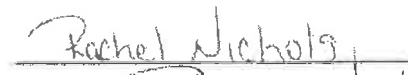
from the Employer with respect to any period while that individual is performing Qualified Military Service on active duty for a period of more than thirty (30) days shall be treated as an Eligible Employee of the Employer and any such differential wage payment shall be treated as included in Total Compensation of the Participant. So long as the differential wage payments are made on reasonably equivalent terms to all Eligible Employees of the Employer and all affiliates who are performing Qualified Military Service on active duty for more than thirty (30) days, the Plan shall not be treated as failing to meet the requirements of Section 414(u)(1)(C) of the Code by reason of any contribution or benefit which is based on the differential wage payments.

10.4 Benefit Accruals as a Result of Death or Disability. Effective for Plan Years commencing on or after January 1, 2007, for benefit accrual purposes, the Employer shall treat a Participant who dies or becomes disabled while performing Qualified Military Service as if the Participant had resumed employment with the Employer on the day preceding death or disability and terminated employment on the actual date of death or disability. The Employer shall treat all Participants performing Qualified Military Service who die or became disabled on reasonably equivalent terms.

Executed this 13th day of November, 2012 in the City of Gallatin, Tennessee


Print Name: Ronald E. Mayberry


Print Name: Anne Kemp


Print Name: Rachel Nichols

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

November 27, 2012

DEPARTMENT: EDA

AGENDA # 2

SUBJECT:

Appointments of Clay Haynes, Allen Parks, and Derrick Jackson to the Industrial Development Board

SUMMARY:

RECOMMENDATION:

ATTACHMENT:

☒ Resolution
☐ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

RESOLUTION NO. R1211-51

RESOLUTION APPOINTING CLAY HAYNES, ALLEN PARKS, AND DERRICK JACKSON
TO THE GALLATIN INDUSTRIAL DEVELOPMENT BOARD

WHEREAS, T.C.A. § 7-53-301 provides that directors of a municipal board of industrial development shall be appointed by the governing body of the municipality; and

WHEREAS, the terms of Clay Haynes, Allen Parks, and Derrick Jackson are due to expire on August 31, 2012; and

WHEREAS, Clay Haynes, Allen Parks, and Derrick Jackson have been nominated to continue service on the Industrial Development Board;

NOW THEREFORE BE IT RESOLVED, that Clay Haynes is hereby re-appointed to the Gallatin Industrial Development Board to serve a term expiring August 31, 2018; Allen Parks is hereby re-appointed to the Gallatin Industrial Development Board to serve a term expiring August 31, 2018; and Derrick Jackson is hereby re-appointed to the Gallatin Industrial Development Board to serve a term expiring August 31, 2018.

BE IT FURTHER RESOLVED that this Resolution shall take effect from and after its final passage the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING:

AYE:

NAY:

DATED: _____, 2012.

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

NOVEMBER 27, 2012

DEPARTMENT: **Public Utilities**

AGENDA # 3

SUBJECT:

Appropriation of funds in the amount of \$10,000 to reimburse property owner for damages caused by a service line break at 870 Newton Lane.

SUMMARY:

This ordinance for an appropriation of \$10,000 from Water/Sewer reserves to reimburse the owner of property located at 870 Newton Lane, Gallatin, TN for damages caused by a service line break.

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01212-67

ORDINANCE APPROPRIATING \$10,000 FROM WATER/SEWER RESERVES TO REIMBURSE THE OWNER OF PROPERTY LOCATED AT 870 NEWTON LANE, GALLATIN FOR DAMAGES CAUSED BY A SERVICE LINE BREAK

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$10,000 is hereby appropriated from the Water/Sewer Reserves to reimburse the owner of property located at 870 Newton Lane for damages caused by a service line break on or around July 5, 2012.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE THOMPSON
CITY ATTORNEY

CITY OF GALLATIN
THE COUNCIL COMMITTEE
AGENDA SUMMARY
11/25/2012

AGENDA # 4

DEPARTMENT: Public Works

SUBJECT: REQUEST APPROVAL OF NEW AND REVISED JOB
DESCRIPTION FOR FACILITY MAINTENANCE

SUMMARY: Resolution attached

RECOMMENDATION:

ATTACHMENT:

<input checked="" type="checkbox"/> Resolution	<input type="checkbox"/> Correspondence	<input type="checkbox"/> Bid Tabulation
<input type="checkbox"/> Ordinance	<input type="checkbox"/> Contract	<input checked="" type="checkbox"/> Other Job Description

Approved	<input type="checkbox"/>
Rejected	<input type="checkbox"/>
Deferred	<input type="checkbox"/>

Notes:

RESOLUTION NO. R1211-50

**RESOLUTION APPROVING NEW AND REVISED JOB DESCRIPTION FOR
FACILITIES MAINTENANCE**

BE IT RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that the attached new job description for Facilities Maintenance General Worker/Custodian (Pay Grade C) is hereby approved and ordered implemented into the Personnel Classification System for the City of Gallatin, Tennessee. This position shall be placed in the classified service pursuant to Gallatin Code Section 13-102 and shall be subject to the payment of overtime wages under the Fair Labor Standards Act.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE, that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL, CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON, CITY ATTORNEY

GENERAL WORKER/CUSTODIAN

GENERAL DEFINITION AND CONDITIONS OF WORK:

Performs responsible semiskilled custodial, building maintenance work in the Facilities Maintenance Department; does other related work as required. Work is performed under general supervision.

This is light work requiring the exertion of up to 20 pounds of force occasionally, up to 10 pounds of force frequently, and a negligible amount of force constantly to move objects, and some medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects. Work requires reaching, climbing, stooping, standing, walking, pushing, pulling, lifting, and grasping; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for operation of equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities; the worker is subject to inside and outside environmental conditions; extreme heat and extreme cold.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Cleaning and maintaining buildings and grounds; delivering and picking up supplies; running errands.
Dusts and/or polishes chairs, tables, shelves and other furniture or equipment;
Washes windows, walls, woodwork and venetian blinds;
Vacuums, sweeps, damp and dust mops floors;
Waxes and uses buffers on floors;
Gathers and disposes of refuse;
Picks up paper and trash from grounds;
Cleans and supplies restrooms daily;
Touch up painting around buildings;
Delivers and picks up supplies;
Maintains grounds, cuts grass, rakes leaves, trims bushes and shovels snow;
Moves furniture, office equipment and boxes;
Inventories and orders cleaning equipment and supplies;
Monitors activities of all outside trades (outside contractors) that come to City Hall for various reasons;
Assists Facilities Maintenance person with electrical, plumbing, and cabling repairs and installs;
Performs other related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

General knowledge of building cleaning and maintenance methods, materials and equipment; ability to understand and follow detailed oral and written directions; ability to get along well with others; ability to read and write.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to completion of the eighth grade and some experience in custodial and building maintenance work.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the State of Tennessee.

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

11/27/2012

DEPARTMENT: Finance/I. T.

AGENDA # **5**

SUBJECT:

Quarterly Sign Shop appropriation ordinance

SUMMARY:

Appropriation ordinance for revenues received to date for Sign Shop work.

RECOMMENDATION:

approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01212-66

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED BY SIGN
SHOP SALE OF MATERIALS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,975 is hereby appropriated from revenue received from Sale of Materials – Signs, account #110-36500, to account #11043120-342, Sign Parts and Supplies, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:.

PASSED SECOND READING:.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

11/27/2012

DEPARTMENT: Finance/I. T.

AGENDA # 4

SUBJECT:

Quarterly CPR appropriation ordinance and appropriation of donation to Fire Department

SUMMARY:

Appropriation ordinance for revenues received to date for CPR classes. Also, appropriating donation from TVA for fire boat supplies.

RECOMMENDATION:

approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01212-65

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED BY THE
FIRE DEPARTMENT FOR CPR CLASSES AND DONATIONS

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$855 is hereby appropriated from revenue received by the Fire Department, account # 110-34290, to account #11042220-148, for expenses related to CPR instruction, and

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$1,000 is hereby appropriated from revenue received by the Fire Department from TVA donations, account # 110-33190, to account #11042220-941-20, for expenses related to the new fire boat, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:.

PASSED SECOND READING:.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

11/27/2012

DEPARTMENT: Finance/I. T.

AGENDA # 7

SUBJECT:

Quarterly Insurance Recovery appropriation ordinance

SUMMARY:

Appropriation ordinance for revenues received to date for Insurance Recoveries.

RECOMMENDATION:

approval

ATTACHMENT:

<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Ordinance

<input type="checkbox"/>	Correspondence
<input type="checkbox"/>	Contract

<input type="checkbox"/>	Bid Tabulation
<input type="checkbox"/>	Other

Approved	<input type="checkbox"/>
Rejected	<input type="checkbox"/>
Deferred	<input type="checkbox"/>

Notes:

ORDINANCE NO. 01212-68

ORDINANCE APPROPRIATING FUNDS FROM REVENUE RECEIVED FOR
INSURANCE RECOVERIES

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of \$139,903.86 is hereby appropriated from revenue received from Insurance Recoveries, account #110-36350 to the following account numbers:

\$140.30 appropriated to Streets Operating Supplies, account #11043120-320,

\$60.68 to Streets Salaries, account # 11043120-111;

\$40.00 to Streets Equipment Maintenance, account #11043120-262 for repairs at 723 North Water Avenue;

\$650.00 appropriated to Facility Maintenance Building Repairs, account #11041800-266, for City Hall roof damages from storm;

\$4,565.00 appropriated to Engineering Signal Supplies, account #11041670-320, for signal damages;

\$1,850.00 appropriated to Streetscape, account #31141100-812, for damages in front of Amberleaf;

\$5,000 appropriated to Attorney Educational Materials, account #11041620-328, for safety training expenses;

\$994.00 appropriated to Greenway, account #31141100-809, for damages to the fence;

\$739.66 appropriated to Police Maintenance and Repairs Vehicles, account #11042110-261, for patrol car damages;

\$125,100 appropriated to Civic Center Skylights, account #11044420-922-23, for discoloration of skylights;

\$764.22 appropriated to Police Maintenance and Repairs Equipment, account #11042110-262, for repairs to command post, and

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING:.

PASSED SECOND READING:.

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

November 27, 2012

DEPARTMENT: **Leisure Services**

AGENDA # **9**

SUBJECT:

Appropriating funds in the amount of \$90,000.00 from the General Fund to the Civic Center Capital Fund, 110-44420-920, for replacement of Civic Center Skylights.

SUMMARY:

Bid received to replace the skylights quotes total cost at \$212, 865.00. TML will pay \$120,100.00. Balance is \$87,765.00. Also requesting \$2,235.00 for paint and other minor repairs, bringing the total request to \$90,000.00.

RECOMMENDATION:

Approval

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☐ Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE APPROPRIATING FUNDS FOR INSTALLATION
OF THE SKYLIGHTS AT THE CIVIC CENTER

BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that the sum of up
to \$90,000.00 is hereby appropriated from the general fund to the Civic Center Capital Fund,
110-44420-922 for expenses related to installation of the skylights at the Civic Center.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this
Ordinance shall take effect from and after its final passage, the public welfare requiring such.

PASSED FIRST READING: _____, 2012

PASSED SECOND READING: _____, 2012

MAYOR JO ANN GRAVES

ATTEST:

APPROVED AS TO FORM:

CONNIE KITTRELL
CITY RECORDER

JOE H. THOMPSON
CITY ATTORNEY

**CITY OF GALLATIN
COUNCIL COMMITTEE AGENDA**

NOVEMBER 27, 2012

DEPARTMENT: CODES/PLANNING

AGENDA # 9

SUBJECT:

Ordinance # O1211-62 amending Zoning Ordinance of the City of Gallatin, Tennessee by amending property located at 307 Hancock Street from Multiple Residential and Office – Planned Unit Development (MRO-PUD) zone district to Multiple Residential and Office (MRO) zone district.

SUMMARY:

Applicant requests amending Multiple Residential and Office – Planned Unit Development (MRO-PUD) zone district to Multiple Residential and Office (MRO) zone district – 5.92 (+/-) acres, S.B.E. Tax Map #126O/C/Parcel 002.00 located at 307 Hancock Street. This rezoning will be considered at the November 26, 2012 Planning Commission meeting. (PC0046-12),

RECOMMENDATION:

ATTACHMENT:

☐ Resolution
☒ Ordinance

☐ Correspondence
☐ Contract

☐ Bid Tabulation
☒ Other

Approved ☐
Rejected ☐
Deferred ☐

Notes:

ORDINANCE NO. 01211-62

ORDINANCE AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING MULTIPLE RESIDENTIAL AND OFFICE – PLANNED UNIT DEVELOPMENT (MRO-PUD) ZONE DISTRICT TO MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONE DISTRICT – 5.92 (+/-) ACRES, JAMES E. GIBSON, OWNER, S.B.E. TAX MAP #126O/C/PARCEL 002.00.

WHEREAS, the Gallatin Municipal-Regional Planning Commission, pursuant to Section 15.07.040 of the Gallatin Zoning Ordinance has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2012-92, attached hereto as Exhibit A; and

WHEREAS, notice and public hearing before the Gallatin City Council has or will occur before final passage of this amendment pursuant to Section 15.07.060 of the Gallatin Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF GALLATIN, TENNESSEE as follows:

1. The Gallatin City Council hereby concurs with the recommendations of the Gallatin Municipal-Regional Planning Commission has reviewed and recommended approval of this amendment in GMRPC Resolution No. 2012-92, attached hereto as Exhibit A; and
2. That based upon recommendation of approval by the Gallatin Municipal-Regional Planning Commission, public notice, and after public hearing in compliance with Section 15.07.060 of the Gallatin Zoning Ordinance, the zone of the real property described in Exhibit C, attached hereto, and further defined in Exhibit D, Rezoning Exhibit for Hancock Ridge Apartments, shall be amended from the zoning district of Multiple Residential and Office – Planned Unit Development (MRO-PUD) to Multiple Residential and Office (MRO) zone district.
3. In accordance with Section 15.07.080 of the Gallatin Zoning Ordinance, the official zoning map of the City of Gallatin, Tennessee, shall, upon the effective date of this ordinance, be amended to reflect the zoning changes herein made.

BE IT FURTHER ORDAINED BY THE CITY OF GALLATIN, TENNESSEE, that this Ordinance shall take effect upon final passage, the public welfare requiring such.

PASSED FIRST READING:

PASSED SECOND READING:

MAYOR JO ANN GRAVES

ATTEST:

CONNIE KITTRELL
CITY RECORDER

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

John Darnall Surveying

- Land Surveying • Construction Staking • Land Development Services • Design • TAPS Member •

PROPERTY DESCRIPTION JAMES E. GIBSON PROPERTY LACKEY P.U.D., LOT 7

Land lying on the east side of Hancock Street, 180.5 feet northeast of Green Wave Drive in the City of Gallatin, Third Civil District, Sumner County, Tennessee. Being all of the land deeded to James E. Gibson, etux by deed recorded in Record book 2475, page 506, Register's Office of Sumner County (R.O.S.C.), Tennessee and more particularly described as follows:

Being all of Lot 7, Phase 2, Southwest Developer's Property as recorded in Plat book 12, page 391, R.O.S.C., Tennessee.

RECEIVED
OCT 24 2012
GALLATIN PLANNING
& ZONING

EXHIBIT C

PC0046-12

Sincerely,



John Darnall Surveying
Tom Darnall, RLS

RECEIVED
OCT 24 2012
GALLATIN PLANNING
& ZONING

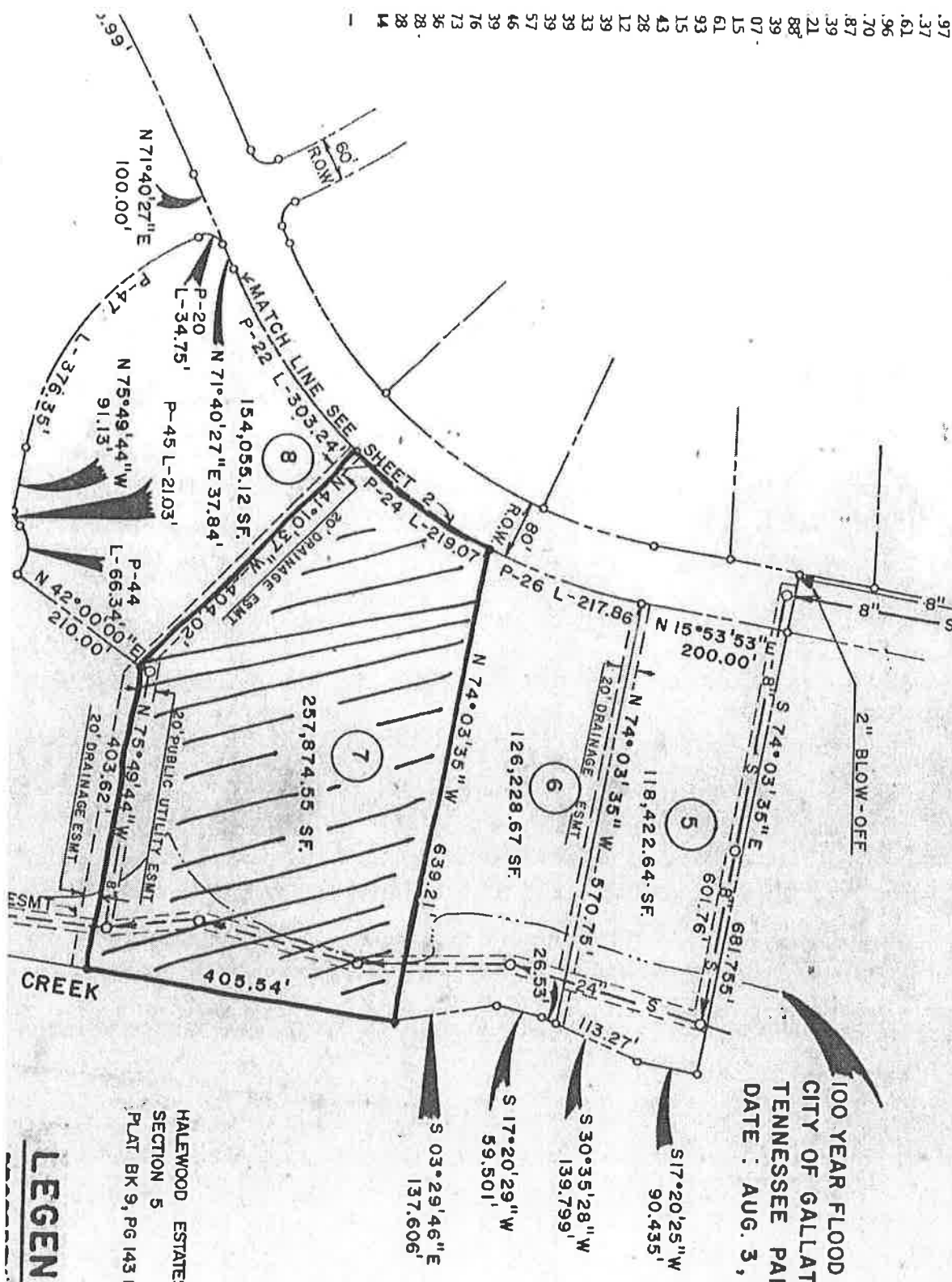
EXHIBIT C

PC0046-12

David Cannon

THE SOUTHWEST DEVELOPER'S PROPERTY MIXED-USED P.U.D.

AND REVISED R.O.W. DEDICATION FOR HANCOCK STREET
AND R.O.W. DEDICATION FOR GREEN WAVE DRIVE THRU
THE SOUTHWEST DEVELOPERS PROPERTY
CITY OF GALLATIN, SUMNER COUNTY, TENNESSEE
PORTION OF DEED BOOK 515, PAGE 405



100 YEAR FLOOD PLAIN PER F.I.R.M.,
CITY OF GALLATIN, SUMNER COUNTY,
TENNESSEE PANEL 7 OF 18, EFFECTIVE
DATE : AUG. 3, 1981

Filed for record
9:05 o'clock
JUL 19 1989

Registered in *Plat*
Book *12* Page *391*
KATHRYN BROWN, Register of Deeds

ENTERED

JUL 19 1989

THOMAS L. MARSHALL
TAX APPRAISER

HALEWOOD ESTATES
SECTION 5
PLAT BK 9, PG 143 B 163

EXHIBIT C

LEGEND

RESOLUTION RECOMMENDING APPROVAL OF ORDINANCE NO. O1211-62 TO THE GALLATIN CITY COUNCIL - AMENDING ZONING ORDINANCE OF THE CITY OF GALLATIN, TENNESSEE BY AMENDING MULTIPLE RESIDENTIAL AND OFFICE - PLANNED UNIT DEVELOPMENT (MRO-PUD) ZONE DISTRICT TO MULTIPLE RESIDENTIAL AND OFFICE (MRO) ZONE DISTRICT - 5.92 (+/-) ACRES, JAMES E. GIBSON, OWNER, S.B.E. TAX MAP #126O/C/PARCEL 002.00 - LOCATED ON EAST SIDE OF HANCOCK STREET, NORTHEAST OF GREENWAVE DRIVE- PC0046-12

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION considered the rezoning request submitted by the applicant, Kaw Valley Engineering, Inc. at its regular meeting on November 26, 2012; and

WHEREAS, THE CITY OF GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION has reviewed the application materials and supporting documentation submitted by the applicant, the analysis, findings and recommendations presented by City Staff and in the Planning Commission Staff Report, attached as Exhibit A, and evidence and testimony presented during the meeting.

NOW THEREFORE BE IT RESOLVED BY THE GALLATIN MUNICIPAL-REGIONAL PLANNING COMMISSION as follows.

Section 1. The Gallatin Municipal-Regional Planning Commission in its deliberations makes the following findings pursuant to TCA § 13-3-103 and 13-4-102:

1. This zoning amendment is in agreement and consistent with the recommendations of the General Development and Transportation Plan for the area.
2. It has been determined that the legal purposes for which zoning regulations exists are not contravened.
3. It has been determined that there will not be an adverse effect upon adjoining property owners or any such adverse effect can be justified by the public good or welfare.
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

Section 2. Action – The Gallatin Municipal-Regional Planning Commission hereby recommends approval of the zoning amendment to the Gallatin City Council with the following conditions:

1. Planning Commission approve the landscaping and bufferyard plan as presented, with the understanding a more detailed landscaping and bufferyard plan will be required as part of the Final Master Development Plan.
2. The applicant shall list the percentage of building materials for the architectural elevations for both the apartment buildings and the clubhouse.
3. The applicant shall provide side elevations for the apartment building and a the remaining elevations for the clubhouse.
4. The applicant shall provide a tree inventory as part of the Final Master Development Plan for the existing trees that will be used to satisfy the Type 40 Bufferyard requirement.
5. The applicant shall submit a detail of the proposed monument sign as part of the Final Master Development Plan.
6. The applicant shall understand a sign permit is required prior to the installation of any signage on the site.
7. The applicant shall understand that upon time for Final Master Development Plan approval, the sidewalk easement shall be recorded at Sumner County, TN Register of Deeds.
8. The applicant shall add this note: *Condition of approval of this PMDP is that upon development of lot 25, access will be allowed from lot 25 to this subject properties proposed access to Hancock Street.*
9. The applicant shall provide detailed plans and specifications for water & sanitary sewer must be submitted for approval.
10. The applicant shall show all fire hydrants on the Preliminary Master Development Plan.
11. The applicant shall submit three (3) corrected copies of the Final Master Development Plan to the Codes/Planning Department.

BE IT FURTHER RESOLVED BY THE CITY OF GALLATIN, TENNESSEE MUNICIPAL-REGIONAL PLANNING COMMISSION that this resolution shall take effect from and after its final passage, the public welfare requiring such.

IT IS SO ORDERED.

PRESENT AND VOTING

AYE:

NAY:

DATED: 11/26/12

Dick Dempsey, Chairman

Johnny Wilson, Secretary

APPROVED AS TO FORM:

JOE H. THOMPSON
CITY ATTORNEY

ITEM 4
11/26/12 GMRPC MEETING

PUBLIC COMMENT

Applicant requests approval of a Preliminary Master Development Plan in order to rezone 5.92 (+/-) acres from Multiple Residential and Office Planned Unit Development (MRO-PUD) to Multiple Residential and Office (MRO). The project consists of a 64 unit multi-family residential development on one (1) lot located at 307 Hancock Street. (PC0046-12)

Attachment	4-1	Preliminary Master Development
Attachment	4-2	City Council Ordinance No. O1211-62
Attachment	4-3	Legal Description
Attachment	4-4	Response Letter from Michael Osbourn, P.E., dated 11/14/12

ANALYSIS

The applicant is requesting approval of a Preliminary Master Development Plan in order to rezone 5.92 (+/-) acres from Multiple Residential and Office Planned Unit Development (MRO-PUD) to Multiple Residential and Office (MRO). The project consists of a 64 unit multi-family residential development on one (1) lot located at 307 Hancock Street. The Dwelling, Multi-Family use is a permitted use within the MRO zone district. An area along the eastern property line is located within both the Flood Zone AE as well as within the regulatory Floodway.

Previous Approvals

The originally approved Lackey Planned Unit Development identified the lot at 307 Hancock Street as Lot 7. In that original approval, Lot 7 was designated as Retail Sales and Service use with a proposed 43,625 square foot building. Through the following years there have been numerous amendments and updates to the Lackey PUD, and specifically Lot 7. The most recent revision to Lot 7 came in 2008 (PC File # 4-1-08) when the Planning Commission approved, at the November 24, 2008 meeting, an Amended Preliminary Master Development Plan, as a minor amendment, to add the Financial, Consulting, and Administrative, General Personal Service, Food Service, and Medical Service uses to Lot 7. The property identified as Lot 7 of the Lackey PUD has never been developed or improved in any manner and remains vacant at this time.

Architectural Elevations

There are two (2) different building types proposed as part of this development. First is the apartment building and second is the clubhouse/leasing office building. There are four (4) apartment buildings and one (1) clubhouse/leasing office building. The four (4) apartment buildings contain a total of 64 apartment units.

Apartment Buildings

The apartment buildings have symmetrical elevations and are two (2) stories in height with an approximate ridgeline height of 32 feet. The roof is a hipped roof with gable roofs used to emphasize projecting bays within the building elevation. The building materials are a brown brick, a varying color stacked stone, cement fiberboard siding, and cement fiber shingles within the gable ends of the roofline. The front and rear elevation consists of brick and stone and fiber cement siding. It appears as though the front and rear elevation does not meet the required 70 percent brick and/or stone, however Staff is comfortable with the alternative architectural plan because the

adjacent multi-family development has little to no masonry as does one of the adjacent commercial buildings.

The front and rear elevations are symmetrical and can be divided into four (4) equal bays. The lower half of the elevation consists of stacked stone, with the only exception being the pair of brick piers that flank each of the two (2) breezeways. The upper half of the elevation consists of fiber cement siding, with the only exception being the pair of brick piers that flank each of the two (2) breezeways. All of the windows are six (6) over six (6) double hung windows.

The front and rear elevations are symmetrical and is arranged around each of the breezeways. Each breezeway is accentuated by the extension of the hipped roof which then sits atop two (2) square brick piers and columns. To each side of the breezeways are the projecting bays that project outward and are topped with gables roofs. There are cement fiber siding shingles located within each gable end along with a circular vent. To the outer edge of each breezeway, the projecting bays contain the recessed patio/porch area for each of the two (2) floors. To the inner edge of each breezeway, the projecting bays contain the recessed patio/porch area for those particular units as well as a window that would relate to an area internal to the unit that projects outward.

Clubhouse/Leasing Office Building

The clubhouse is a one (1) story building with a complex hipped roof structure, covered with architectural dimensional shingles, with a projecting gable roof adjacent to the entrance, which is located within a recessed porch area on the right side of the elevation. The left side of the elevation and the gable projection are sheathed in a little brown colored brick, while the right side of the elevation, under the porch, is sheathed in fiber cement board, with a brick base to the wall. The porch is covered by the primary roof structure and is supported by three (3) square piers sitting atop brick bases.

The applicant shall provide calculations for the percentage of masonry for each elevation and building. Also, the applicant shall provide side elevations for the apartment building and the remaining elevations for the clubhouse.

Buffering/Landscaping

The applicant has shown the required Type 10 bufferyard along the northern, western and a portion of the southern property boundaries. Along the southern property boundary the adjacent zoning changes from MRO-PUD to Residential 10, which requires a change in the bufferyard along the last 403 feet of the southern property boundary. In lieu of the required Type 30 bufferyard the applicant is requesting an Alternative Type 20 bufferyard along the remainder of the southern property boundary. The Alternative Type 20 bufferyard will consist of the required plant material with the addition of a continuous row of broadleaf evergreen shrubs to help form an opaque barrier along this portion of the property boundary. The applicant is also requesting an Alternative Type 40 bufferyard along the eastern property boundary which relates to the creek that runs along that portion of the property. The applicant is requesting to utilize the existing plant material and trees to satisfy the bufferyard requirement along the eastern property boundary. Staff is comfortable with the two (2) proposed alternative bufferyards as shown. The applicant shall provide a tree inventory as part of the Final Master Development Plan for the existing trees that will be used to satisfy the Type 40 Bufferyard requirement.

Also, the applicant has met and/or exceeded all internal landscaping requirements. Finally, the applicant has shown the landscaping/screening plan for the HVAC units and dumpster enclosures. Staff recommends the Planning Commission approve the landscaping and bufferyard plan as presented, with the understanding a more detailed landscaping and bufferyard plan will be required as part of the Final Master Development Plan.

Access and Parking

The applicant has shown one (1) access point onto Hancock Street. The access point is located along the western boundary of the site. The access was placed in this location based on comments from the Engineering Division so that the access could eventually be shared with the adjacent Lackey PUD Lot 25.

The parking ratio for a multi-family residential development is two (2) parking spaces per unit. The applicant has shown 133 parking spaces for this development, which exceeds the required parking spaces by five (5). All of the proposed 133 parking spaces are surface parking spaces. The applicant is providing the required seven (7) handicapped parking spaces.

Signage

The applicant has indicated a monument sign to be installed at the entrance along Hancock Street. The required 15 foot setback from the right-of-way has been provided. However, the design of the monument sign has not been included with the Preliminary Master Development Plan; therefore the applicant shall submit a detailed drawing of the proposed monument sign as part of the Final Master Development Plan. The applicant shall understand a sign permit is required prior to the installation of any signage on the site.

Photometric Plan

The applicant has submitted a photometric plan that meets and/or exceeds the illumination standards in Table 13-04 of the Gallatin Zoning Ordinance.

Engineering Division Comments

All Engineering Division comments have been satisfied except the comments that have been included below as conditions of approval.

Departmental Comments

All other Departmental Comments have been satisfied except the following:

1. The applicant shall provide detailed plans and specifications for water & sanitary sewer must be submitted for approval.
2. The applicant shall show all fire hydrants on the Preliminary Master Development Plan.

RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Preliminary Master Development Plan to City Council with the following conditions:

1. Planning Commission approve the landscaping and bufferyard plan as presented, with the understanding a more detailed landscaping and bufferyard plan will be required as part of the Final Master Development Plan.

2. The applicant shall list the percentage of building materials for the architectural elevations for both the apartment buildings and the clubhouse.
3. The applicant shall provide side elevations for the apartment building and a the remaining elevations for the clubhouse.
4. The applicant shall provide a tree inventory as part of the Final Master Development Plan for the existing trees that will be used to satisfy the Type 40 Bufferyard requirement.
5. The applicant shall submit a detail of the proposed monument sign as part of the Final Master Development Plan.
6. The applicant shall understand a sign permit is required prior to the installation of any signage on the site.
7. The applicant shall understand that upon time for Final Master Development Plan approval, the sidewalk easement shall be recorded at Sumner County, TN Register of Deeds.
8. The applicant shall add this note: *Condition of approval of this PMDP is that upon development of lot 25, access will be allowed from lot 25 to this subject properties proposed access to Hancock Street.*
9. The applicant shall provide detailed plans and specifications for water & sanitary sewer must be submitted for approval.
10. The applicant shall show all fire hydrants on the Preliminary Master Development Plan.
11. The applicant shall submit three (3) corrected copies of the Final Master Development Plan to the Codes/Planning Department.

Project Comments

Meeting Date: 11/26/2012

RE: HANCOCK RIDGE APARTMENTS Preliminary Master Development Plan

Reference #: PC0046-12

Department of Public Utilities

Review Date: 10/26/2012

1. Detailed plans and specifications for water & sanitary sewer must be submitted for approval.

Planning Department

Codes/Planning Department Project Manager: Kevin Chastine

Review Date: 10/31/12

1. Provide a Photometric Plan that meets or exceeds the standards of Gallatin Zoning Ordinance Table 13-4.
2. Provide Architectural Elevations of apartment buildings and clubhouse.
3. Update the Legal Description to include calls and distances.
4. Correct the Tax Map and Parcel for the parcel north of the proposed development (126O/D/001.01).
5. Monument Sign requires a setback of 15 feet from the R.O.W.
6. Correct Proposed Use to 'Dwelling, Multi-Family' in Note 12 and Proposed Use Plan.
7. Correct Note 17 by adding the wording as shown.
8. Provide the proposed number of units (64?) under the Site Data Table.
9. In addition to the floodplain, indicate and label the floodway boundary.
10. Dimension at least one (1) parking space and the drive aisle width.
(Standard Parking Space Required is 9'x20')
11. Are the trash enclosures in areas that allows for adequate turning radius for garbage trucks?
12. Submit sixteen (16) corrected, folded copies of the resubmittal documents (1 full size and 15 half size if original plans are greater than 18 x 24), and 16 architectural elevations if needed.
13. Submit digital copies of plans and supporting information/correspondence pertaining to this project in the following formats: DGN or DWG file (**MicroStation version "J" software**) of subdivision plats, site plans, PMDP, and FMDP. Submit PDF files of all pages of subdivision plats, site plans, PMDP, and FMDP and submit PDF files of all supporting documents and correspondence. Label file formats on CD.
14. Submit a detailed response letter addressing all departmental review comments.
15. RETURN CHECKPRINT & CHECKLIST
16. Resubmittal documents must be turned in to the Codes/Planning Department by 4:30 PM on November 15, 2012.
17. Resubmittals must include the above information in order to be considered a complete resubmittal.

Tony Allers
Director

CITY OF GALLATIN, TENNESSEE
Gallatin Codes/Planning Department

Katherine Schoch
Assistant Director

Codes Department

Review Date: 11/01/2012
No comments at this time.

Engineering Division

11-20-2012 JZW Resubmittal:

1. Upon time for site plan approval, sidewalk easement shall be recorded at Sumner County, TN Register of Deeds.
2. Add note: Condition of approval of this PMDP is that upon development of lot 25, access will be allowed from lot 25 to this subject properties proposed access to Hancock Street.

Review Date: 11-1-2012 JZW:

1. The Engineering Division has concerns about the adequacy of the detention pond, and ultimately the benefit that it may provide given the location/proximity to the creek and the lower reach of the watershed. In lieu of a detention pond, the Engineering Division strongly encourages the use of Low Impact Design strategies, and the use of infiltration methods to reduce runoff.
2. Provide sidewalk along Hancock Street.
3. Move access over to far west property line to allow for lot 25 to utilize access as well.
4. GOTM 2020 plan show future greenway running parallel to Town Creek. Make accommodations for greenway.

Fire Department

Review Date: 11/01/2012
1. Fire hydrants need to be shown on plans.

Police Department

Review Date: 10/29/2012
Reviewed: no comments

Gallatin Department of Electricity

Review Date: 10/29/2012
O.K.

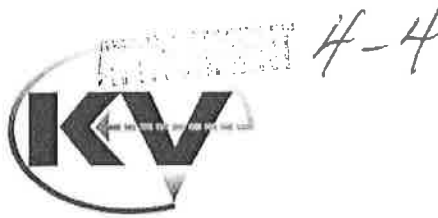
Sumner County, E-911

Review Date:
N/A

Industrial Pre-treatment Department

Review Date:
N/A

14700 W. 114th Terrace
Lenexa, Kansas 66215
www.kveng.com



Tel: 913-894-5150
Fax: 913-894-5977
E-mail: LX@kveng.com

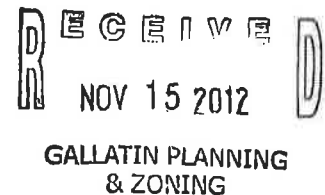
KAW VALLEY ENGINEERING, INC.

November 14, 2012

C12D6895

Kevin Chastine, AICP
City of Gallatin
132 West Main Street
Gallatin, TN 37066

**RE: HANCOCK RIDGE APARTMENTS
PRELIMINARY MASTER DEVELOPMENT PLAN
REFERENCE NUMBER: PC0046-12
COMMENT RESPONSE LETTER**



Mr. Chastine,

The following is in response to the comment letter dated November 9, 2012:

Department of Public Utilities

1. Detailed plans and specifications for water and sanitary sewer will be submitted for approval in the design phase.

Planning Department

1. A Photometric Plan is provided with this resubmittal.
2. Architectural Elevations of the apartment buildings and clubhouse are provided with this submittal.
3. A legal description with bearings and distances is provided with this resubmittal.
4. The Tax Map and Parcel for the parcel north of the proposed development has been revised to 126O, D, 001.01.
5. The monument sign location has been revised to provide a 15' setback from the Right-of-Way line and labeled as such.
6. The Proposed Use has been revised to "Dwelling, Multi-Family" in Note 12 and Proposed Use Plan.
7. Note 17 has been revised to read, "Dwelling, Multi-Family."
8. The number of proposed units has been included in the Site Data Table.
9. The floodway boundary is now shown.
10. The dimensions of the drive aisle and a parking stall are now shown.

RESUBMITTAL

other locations

Junction City, Kansas • Kansas City, Missouri • Salina, Kansas

PC0046-12

- 4-4
11. A turning template has been used to verify adequate clearance for a standard garbage truck.
 12. Twenty-seven copies are provided.
 13. A digital copy of the PMDP is provided in DWG and PDF formats.
 14. Acknowledged.
 15. At the time this response letter was drafted a Checkprint had not been received.
 16. Acknowledged.
 17. Acknowledged.

Codes Department

No comments to address at this time.

Engineering Division

1. The Development proposes the use of infiltration methods to reduce runoff in lieu of a detention system.
2. A 5' sidewalk with a 5' green space between the sidewalk and back of curb has been provided. A sidewalk easement has been provided 1' beyond the sidewalk creating a sidewalk easement with a varying width from 4' to 0.8' along the Hancock Street Right-of-Way.
3. The point of access has been revised to allow Lot 25 to utilize the access.
4. A greenway easement with a width varying width from 100' to 130' from the east property line has been provided.

Fire Department

No comments to address at this time.

Police Department

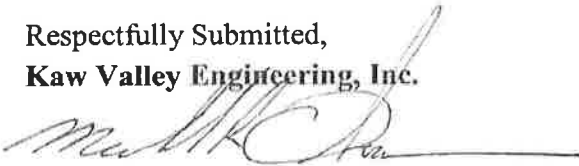
No comments to address at this time.

Gallatin Department of Electricity

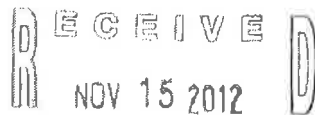
No comments to address at this time.

If you have any questions or require additional information please do not hesitate to contact me at 913-894-5150 or by email at mikeo@kveng.com.

Respectfully Submitted,
Kaw Valley Engineering, Inc.



Michael R. Osbourn, P.E.



GALLATIN PLANNING
& ZONING

RESUBMITTAL

PC0046-12